

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-6 and 8-11 are now present in the application. Claims 1 and 5 have been amended. Claim 1, 3 and 5 are independent. Reconsideration of this application, as amended, is respectfully requested.

Interview With The Examiner

An interview was conducted with the Examiner in charge of the above-identified application on October 4, 2005. Applicants greatly appreciate the courtesy shown by the Examiner during the interview.

In the interview with the Examiner, Applicants' representative presented argument with regard to the rejection under 35 U.S.C. § 102(b) and 103(a). In particular, Applicants' representative argued that Yamamoto fails to teach "the temperature measuring part being below the entire upper surface of the hollow chamber cap" as recited in claim 1 because the temperature sensor 18 is not below the entire irregular surface of the chamber cap 17 exposed to the water. The Examiner indicated that if claim 1 is amended to recite "the entire upper surface being a flat, disc-shaped surface", the 102 rejection of claim 1 will be overcome.

With regard to claim 3, Applicants' representative argued that applying Yamamoto's protruding temperature sensor 18 to Thuruta's flat cap would make the chamber cap no longer flat. The Examiner stated that she will consider this argument if Applicants present it in the Remarks.

With regard to claim 5, Applicants' representative proposed claim amendments to claim 5 as filed in the present Amendment. The Examiner stated that Yamamoto does not disclose that the materials of chamber cap and the protruding part are different. Therefore, the Examiner stated that the claim amendments to claim 5 should overcome Yamamoto.

Reasons For Entry Of Amendments

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102 and 103 are improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on July 8, 2005 should be withdrawn.

If the Examiner persists in maintaining her rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal.

Claim Rejections Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto, JP 62192196. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's

rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including “an entire surface of the hollow chamber cap exposed to the water in the water gauge chamber defining an upper surface of the hollow chamber cap, the entire upper surface being a flat, disc-shaped surface” and “the temperature measuring part being below the entire upper surface of the hollow chamber cap”. Support for the above combination of elements can be found in FIG. 2A as originally filed. Applicants respectfully submit that the combination of elements set forth in claim 1 is not disclosed or suggested by the Yamamoto reference relied on by the Examiner.

Yamamoto discloses a washing machine with a temperature sensor 18 inside a chamber cap 17 (see FIG. 3). As shown in FIG. 3 of Yamamoto, the entire surface of the chamber cap 17 exposed to the water in the water gauge chamber 14 is an irregular surface, not a flat, disc-shaped surface. Therefore, Yamamoto fails to disclose “an entire surface of the hollow chamber cap exposed to the water in the water gauge chamber defining an upper surface of the hollow chamber cap, the entire upper surface being a flat, disc-shaped surface” as recited in claim 1.

In addition, the temperature sensor 18 is not below the entire irregular surface exposed to the water. Yamamoto also fails to teach “the temperature measuring part being below the entire upper surface of the hollow chamber cap” as recited in claim 1.

Since Yamamoto fails to teach each and every recitation of amended independent claim 1, Applicants respectfully submit that amended independent claim 1 is not anticipated by Yamamoto.

In view of the above amendments to the claims and remarks, Applicants respectfully submit that claim 1 clearly defines the present invention over the reference relied on by the

Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claim 2 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto in view of O'Connell, U.S. Patent No. 5743,646. Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thuruta, U.S. Patent No. 5,072,473, in view of Yamamoto. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thuruta in view of Yamamoto and O'Connell. Claims 5 and 8-11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

As mentioned, Yamamoto fails to teach each and every recitation of amended independent claim 1.

Claim 3

Independent claim 3 recites "an entire surface of the hollow chamber cap exposed to the water in the water gauge chamber defining an upper surface of the hollow chamber cap, the entire upper surface being a flat, disc-shaped surface" and "the temperature measuring part is disposed in a seating portion of the hollow chamber cap". Applicants respectfully submit that the combination of elements set forth in claim 3 is not disclosed or suggested by the references relied on by the Examiner.

Thuruta disclose a flat cap in FIG. 1. However, Yamamoto discloses that the temperature sensor 18 protrudes from the base surface of the chamber cap 14 in FIG. 3. By applying Yamamoto's temperature sensor 18 to Thuruta's flat cap, Yamamoto's temperature sensor 18 has to protrude from the flat surface of Thuruta's cap, which renders the entire upper surface of Thuruta's cap non-flat. Therefore, modifying Thuruta in view of Yamamoto still fails to teach "an entire surface of the hollow chamber cap exposed to the water in the water gauge chamber defining an upper surface of the hollow chamber cap, the entire upper surface being a flat, disc-shaped surface" and "the temperature measuring part is disposed in a seating portion of the hollow chamber cap" as recited in claim 3.

In addition, the protrusion of Yamamoto's temperature sensor 18 is to make the temperature reading more accurate because Yamamoto's protruding temperature sensor 18 is surrounded by the water. Therefore, one skilled in the art would not have the motivation to modify Yamamoto's temperature sensor 18 to not protrude from the flat surface of Thuruta's flat cap because it would make Yamamoto's temperature sensor 18 non-sensitive to the water temperature.

Claim 5

Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claim 5 has been amended to recite a combination of elements including "the cylindrical probe of the temperature measuring part extends upward from within the hollow chamber cap through a hole at an upper surface of the hollow chamber cap, thereby the cylindrical probe of the temperature

measuring part directly contacting a washing water in the water gauge chamber after penetrating the hole” and “the cylindrical probe being made of a different material from the hollow chamber cap”. Support for amendments to claim 5 can be found on the paragraph beginning on page 7, line 15 and the paragraph beginning on page 8, line 13. Applicants respectfully submit that the combination of elements set forth in claim 5 is not disclosed or suggested by Yamamoto.

As mentioned, Yamamoto discloses a chamber cap 17. As indicated by the Examiner, the chamber cap 17 is a unitary structure. Yamamoto does not disclose that the materials of chamber cap and the protruding part are different. Therefore, Yamamoto fails to teach “the cylindrical probe being made of a different material from the hollow chamber cap” as recited in amended claim 5.

In addition, Applicants respectfully submit that by using a material different from the material for the chamber cap, for example, a material with good heat conductivity for the cylindrical probe disclosed in an embodiment of the present invention, the sensed temperature by the cylindrical probe will be more accurate. This feature is clearly absent from Yamamoto.

Accordingly, none of the utilized references individually or in combination teach or suggest the limitations of amended independent claims 1, 3 and 5. Therefore, Applicants respectfully submit that amended independent claims 1, 3 and 5 clearly define over the teachings of the utilized references.

In addition, claims 2, 4, 6 and 8-11 depend, either directly or indirectly, from independent claims 1, 3 and 5, and are therefore allowable based on their respective dependence from independent claims 1, 3 and 5, which are believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 2-6 and 8-11 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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